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APR 04 2007

OFFICE OF PETITIONS

In re Application of :
Hua Wang :
Application No. 10/751,823 :
Filed: January 5, 2004 :
Attorney Docket No. RD29605-4 :

ON PETITION

This is a decision on the petition, filed August 28, 2006, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

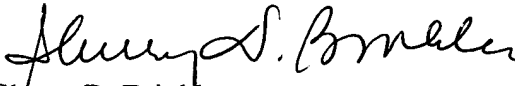
The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed August 12, 2005, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed on August 10, 2006. In response, on August 28, 2006, the present petition was filed, as well as a Request for Continued Examination (RCE) under 37 CFR 1.114.

Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. Therefore, the RCE filed August 28, 2006 is considered improper. Since the RCE was accompanied by an amendment, the reply will be considered under 37 CFR 1.111. The \$790 filing fee paid for the improper RCE is being credited to counsel's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) the requisite statement of unintentional delay.

The application is being referred to Technology Center AU 1711 for consideration of the amendment filed August 28, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions